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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,994	12/05/2000	Jens Jorren Sorensen	36636-166651	7395

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EXAMINER
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STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/647,994

Applicant(s)

SORENSEN, JENS JORREN

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Information Disclosure Statement***

The information disclosure statement filed March 25, 1999 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance of Swedish Patent Publication Nos. 173 190 and 354 498, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

***Drawings***

The drawings are objected to because figure 2 fails to include the proper cross sectional shading in accordance with MPEP 608.02. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

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margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "means" on line 3 should be avoided. On line 1, "[f]or transfer . . . an elongate spindle" is confusing. On line 2, "is provided" can be easily implied and therefore should be deleted. Recitations such as "by that winding-up" on line 2 is grammatically awkward and confusing. On lines 5 and 6, "neighbouring" should be changed to the U.S. spelling. Finally, the abstract is objected to because it fails to specifically mention the method of forming the elongate spindle member. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: recitations such as "neighbouring" on lines 26-27 on page 1 should be changed to the U.S. spelling; recitations such as "claims 2-11" on line 16 of page 2 should be deleted; figures 1-4 and 6-12 should each be described individually; the description of figure 13 is absent. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the elongate spindle member.

### ***Claim Objections***

Claims 1-49 are objected to because recitations such as "neighbouring" on lines 19-20 of claim 1 should be changed to the appropriate U.S. spelling. Claim 13 is objected to because a dependent claim cannot depend from itself. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1-49, as best understood by the examiner, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with 35 USC 112 informalities which appear to have been created during the translation of the application into English. Therefore, the following 35 USC 112 rejections are examples of the 35 USC 112 informalities currently in the claims. It is

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suggested that the applicant review and amend the claims to bring them into conformance with 35 USC 112 in light of the examples below.

Recitations such as “significant” on line 2 of claim 1 render the claims indefinite because they are relative terms whose meaning cannot be readily ascertained by one with ordinary skill in the art and are not defined by the specification. Recitations such as “and/or” on line 3 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What is meant by the recitation “/”? Is the applicant setting forth “and” or “or” or both “and” and “or”? Recitations such as “winding-up of . . . under axial displacement” on lines 5-7 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Are the links under axial displacement before they are wound or does the winding produce the axial displacement? Recitations such as “chain links” on line 10 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the chain links set forth above or is attempting to set forth chain links in addition to the ones set forth above. Recitations such as “exterior sides” on line 11 of claim 1 render the claims indefinite because it is unclear how all of the sides of each link can have a curvilinear surface. Recitations such as “engagement means” on line 12 of claim 1 render the claims indefinite because it is unclear what the engagement means engage. Recitations such as “interconnected and retained . . . as well as adjacent chain links in neighbouring turns” on line 18-21 of claim 1 render the claims indefinite because it is unclear what comprises a “turn”? Where does one turn begin and one turn end? Additionally, it is unclear how the first and last links in the spindle member can be connected to adjacent

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links on both sides thereof. Recitations such as "the use . . . as said driving device" on lines 2-3 of claim 2 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "two elongate spindle members" on lines 2-3 of claim 4 render the claims indefinite because it is unclear if the two spindle members include the spindle member set forth above for a total of two spindle members or if the two spindle members are in addition to the one set forth above for a total of three spindle members. Recitations such as "by its use" on line 2 of claim 8 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "or" on line 3 of claim 9 render the claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is attempting to positively set forth. Recitations such as "characterized in comprising" on lines 2-3 of claim 12 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "an elongate chain" on lines 4-5 of claim 12 render the claims indefinite because it is unclear if the applicant is referring to the chain set forth above or is attempting to set forth a chain in addition to the one set forth above.

### ***Double Patenting***

Although claims 1-16 of U.S. Patent No. 6,530,177 recite a helical chain in at least claim 16, claims 1-16 of U.S. Patent No. 6,530,177 fail to recite or even suggest guiding said chain links during rotation of said driving device in said winding guide means so that the chain links are interconnected and retained in engagement by their

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associated engagement means with neighboring chain links in the same turn as well as adjacent chain links in neighboring turns of said elongate spindle member.

***Allowable Subject Matter***

Claims 1-49, as best understood by the examiner, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach guiding said chain links during rotation of said driving device in said winding guide means so that the chain links are interconnected and retained in engagement by their associated engagement means with neighboring chain links in the same turn as well as adjacent chain links in neighboring turns of said elongate spindle member. See lines 16-22 of claim 1. Since claims 12 and 35 both recite the function of carrying out the method steps set forth in claim 1, they are allowable since none of the references of record teach the method steps in claim 1 or the ability of carrying out those method steps.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ungerer et al., Rozenwasser, Kupelian and Benhamou et al. are



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cited for disclosing a helical chain. Greisner et al., Sorensen, Bechtold, Hormann, Youngberg, Webb et al. and Bringolf are cited for disclosing a chain drive operator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
March 17, 2005